

er or overseer, to sell any such article; and any person thus offending against the provisions of this act, shall be subject to a penalty of five dollars for every such offence, or a penalty equal in amount to the value of the article purchased, should the value thereof exceed the sum of five dollars; the said penalty to be recovered before a single justice of the peace, whose duty it shall be to return the proceedings and judgment thereon to the clerk of the county, to be collected as is hereinbefore provided, one half to the use of the informer, and the balance to be paid to the levy court, or commissioners, as the case may be, for the use of the county; it shall be the duty of the person charged to retain and produce the certificate of the magistrate, or written authority, in his or her defence, or account for its loss and contents, either by his own oath or some competent witness.

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Penalty.

Recoverable.

Duty of accused to retain & produce certificate.

Sale to negroes, of spirituous liquors, gunpowder &c for. bid.

Without specific certificate, if free.

Or written order of master &c of a slave.
Under penalties.

Courts authorised to withdraw licenses for selling.

Similar power to orphans courts.

Negroes not to have licenses to sell spirits.

Explanatory proviso.

Sec. 10. *And be it enacted*, That it shall not be lawful for any retailer, ordinary keeper, or other person, to sell any ardent spirits, gunpowder, shot, or lead, to any free negro, mulatto or slave, without, in the case of a free negro, such free negro shall produce a certificate in the nature of a license or permit, from a justice of the peace in the county in which such free negro may reside, directed to the person so selling the same; or, in case of a slave, unless such slave shall produce a written authority from his owner, employer or overseer, and any person so offending shall be subject to the like penalty, to be recovered and applied in every respect as is provided in the foregoing section of this bill.

Sec. 11. *And be it enacted*, That the judges of the county courts and Baltimore city court, shall, at their several sessions, have full power and authority as to the continuing or withdrawal of any license or licenses to retail ardent spirits, and may, on application or remonstrance, exercise a sound discretion relative thereto, and in the recess of the county court, and Baltimore city court, the judges of the orphans' court, at their several sessions, shall and may exercise a similar power, authority and discretion, and no license to retail ardent spirits, shall hereafter be granted to any free negro or mulatto, except by order or under the authority of said courts, or one of them, at their respective sessions as above: *Provided*, That this act shall not be so construed as to take from the clerks of the county courts, or of Baltimore city court, the power of issuing license to any free white person, nor to effect or alter the dates or time of issuing or granting licenses as now provided by law; but no license shall be issued by said clerk to any person from whom a license shall once have been withdrawn by order of court as above provided, except with the permission of